

LEGAL ACTION REPORT

TUCSON POLICE AND FIRE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM BOARDS MEETING OF TUESDAY, DECEMBER 11, 2007 CITY OF TUCSON FINANCE DEPARTMENT CONFERENCE ROOM FIFTH FLOOR OF CITY HALL 255 W. ALAMEDA, TUCSON, AZ

Mayor Walkup called the meeting to order at 9:08 A.M.

1. ROLL CALL

Police Board Members:

Robert Walkup - Chair
Marion Pickens - Member
Joe Ladenburg - Member
Mike Gurr - Member
JD Kragnes - Member

Fire Board Members:

Robert Walkup - Chair
Marion Pickens - Member
Joe Ladenburg - Member
Mike McKendrick - Member
Roger Tamietti - Member - Arrived at 9:15 a.m.

2. POLICE CONSENT AGENDA: ITEMS A – G

A. MINUTES FOR APPROVAL – 11/13/07

B. PENSION PAYROLL – Addition of Normal Service Retirement for Michael D. Garigan in the amount of \$6,371.60. Addition of Normal Service Retirement for Francis E. Jordan out of DROP in the amount of \$ 3,117.19. Addition of Normal Service Retirement for Robert Ramsey out of DROP in the amount of \$3,103.93. . Addition of Normal Service Retirement for Michael Olbert out of DROP in the amount of \$2,842.35. Addition of Temporary Accidental Disability Pension for James Parks (amount pending).

C. NORMAL SERVICE RETIREMENT

Michael D. Garigan – Last day worked 11/29/07 – Pension effective 12/01/07
Francis E. Jordan – Last day worked 11/08/07 – Pension effective 12/01/07
Michael J. Olbert – Last day worked 11/28/07 – Pension effective 12/01/07
Robert R. Ramsey – Last day worked 11/16/07 – Pension effective 12/01/07

D. TEMPORARY ACCIDENTAL DISABILITY RETIREMENT

James Parks – Last day worked 11/29/07 – Pension effective 12/01/07

E. EXPENDITURE STATEMENT IN THE AMOUNT OF \$250.00 FOR ANNUAL PHYSICAL for James Parks (paid) and Caroline Stover by Dr. Dennis Thrasher at Sunnyside Medcenter

F. REDEMPTION OF PRIOR SERVICE

Matthew Brady – 3.391 years of prior service from Marana School District for \$16,135.67

Brett Klein – 4.372 years of prior service from Iowa State Patrol and D.P.S. Marana School District for \$110,002.00

William Richards – 1.002 years of prior service from Chicago Fire Department for \$34,608.00

Jamie Turner – .797 years of prior Military service for \$15,663.00

G. RETAINER FEE OF \$400 PLUS COSTS-DAVID McEVOY, ATTORNEY

MOTION by Mr. Gurr, seconded by Mr. Kragnes that Police Board Items A – G are adopted and the appropriate action taken. Motion **CARRIED** by a roll call vote of 5 - 0.

3. **FIRE CONSENT AGENDA: ITEMS A – D**

A. MINUTES FOR APPROVAL – 11/13/07

B. PENSION PAYROLL – No Change

C. PRE-EMPLOYMENT PHYSICAL REQUIREMENT
DOH

PSPRS: 11/08/07 Class 07-2

Michael Creamer	Passed Pre-Employment physical
Christopher Donahue	Passed Pre-Employment physical
Carrie Ferrara	Passed Pre-Employment physical
Brandon Mason	Passed Pre-Employment physical

Jarod Nickles	Passed Pre-Employment physical
Calob Rogers	Passed Pre-Employment physical
Bradley Smith	Passed Pre-Employment physical
Matthew Smith	Passed Pre-Employment physical
Matthew Wallace	Passed Pre-Employment physical
Peter Weinman	Passed Pre-Employment physical

D. RETAINER FEE OF \$400 PLUS COSTS-DAVID McEVOY, ATTORNEY

MOTION by Mr. McKendrick, seconded by Ms. Pickens that Fire Board Items A – D are adopted and the appropriate action taken. Motion **CARRIED** by a roll call vote of 4-0. (Mr. Tamietti absent/excused)

4. **APPLICATION FOR DISABILITY RETIREMENT EXECUTIVE SESSION**
Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])

Police – Attachments
 Caroline Stover

There was no executive session.

5. **APPLICATION FOR DISABILITY RETIREMENT**
Direction regarding Executive Session

Police
 Caroline Stover

MOTION by Mr. Gurr, seconded by Mr. Kragnes that based on the medical evidence provided and letter by Dr. Thrasher dated November 28, 2007 the board approve the application for Permanent Accidental disability retirement for Ms. Caroline Stover to be effective upon separation from the Police Department. Motion **CARRIED** unanimously.

6. **APPLICATION FOR DISABILITY RETIREMENT EXECUTIVE SESSION**
Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])

Fire – Attachments

Roscoe Ealey

There was no executive session.

7. APPLICATION FOR DISABILITY RETIREMENT
Direction regarding Executive Session

Fire

Roscoe Ealey

MOTION by Mr. McKendrick, seconded by Mr. Ladenburg that Mr. Ealey makes an appointment with the Board Physician for a review to determine if he is eligible for a Ordinary Disability retirement. Motion **CARRIED** unanimously

8. COMPLIANCE WITH FINANCIAL AUDITS – RULE 18
EXECUTIVE SESSION Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])

Police - Attachments

Judith Augustine

Anthony Pappas

Pleas Ransom

Fire - Attachment

Marni Plaster

There was no executive session.

9. COMPLIANCE WITH FINANCIAL AUDITS – RULE 18
Board Direction Regarding Executive Session

Police

MOTION by Mr. Gurr, seconded by Mr. Kragnes that Judith Augustine, Anthony Pappas and Pleas Ransom has complied with the 2007 audit for 2006 income, and has not gone over the financial limit, and continue to be eligible to receive their benefit. Motion **CARRIED** by a roll call vote of 5-0.

Fire

MOTION by Mr. McKendrick, seconded by Mr. Tamietti that Marni Plaster has complied with the 2007 audit for 2006 income, and has not gone over the financial limit, and continues to be eligible to receive her benefit. Motion **CARRIED** by a roll call vote of 5-0.

10. **CONSIDERATION OF RULE 17 – ANNUAL PHYSICAL
EXECUTIVE SESSION** Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])

Fire – Attachments

Larry Stafford - DOR: 02/04/97 DOH: 09/18/89 Last Physical: 03/17/05

There was no executive session.

11. **CONSIDERATION OF RULE 17 – ANNUAL PHYSICAL
Board Direction Regarding Executive Session**

MOTION by Mr. McKendrick, seconded by Mr. Tamietti that in keeping with Board policy of taking a physical every other year Mr. Stafford be requested to take the annual physical with the Board Physician. Motion **CARRIED** unanimously.

12. **BOARD STAFF
EXECUTIVE SESSION** Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])

Police & Fire

There was no executive session under this item.

13. **BOARD STAFF
Board Direction Regarding Executive Session**

Fire

MOTION by Mr. McKendrick, seconded by Mr. Tamietti that the Board offers Ms. Martinez, Board Staff the position of Executive Assistant in the range of 917 at step 8. Motion **CARRIED** unanimously.

MOTION by Mr. McKendrick, seconded by Mr. Tamietti that the duties, responsibilities and working conditions and location remain the same for the Board Staff.
Motion **CARRIED** unanimously.

Police

MOTION by Mr. Gurr, seconded by Mr. Kragne that the Board offers Ms. Martinez, Board Staff the position of Executive Assistant in the range of 917 at step 8.
Motion **CARRIED** unanimously.

MOTION by Mr. Gurr, seconded by Mr. Kragne that the duties, responsibilities and working conditions and location remain the same for the Board Staff.
Motion **CARRIED** unanimously.

14. POLICE AND FIRE BUDGET

Fire

MOTION by Mr. McKendrick, seconded by Mr. Tamietti to approve the Pro-Forma Budget for 2008/9. Motion **CARRIED** by a roll call vote of 5-0.

Police

MOTION by Mr. Gurr, seconded by Mr. Kragne to approve the Pro-Forma Budget for 2008/9. Motion **CARRIED** by a roll call vote of 5-0.

15. FUND INFORMATION

Police & Fire

No action taken.

16. ADJOURNMENT

The next regular meeting of the Tucson Police and Fire Public Safety Personnel Retirement System Boards is scheduled for **9:00 A.M.** on Tuesday, January 8, 2008, in the Finance Department Conference Room, Fifth floor of City Hall, 255 W. Alameda, Tucson, AZ.

MOTION by Mr. McKendrick, Seconded by Mr. Tamietti to adjourn. Motion **CARRIED** unanimously.

MOTION by Mr. Gurr, seconded by Mr. Kragnes to adjourn. Motion **CARRIED** unanimously.

